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Technical assistance and capacity-building

Progress and challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 33/28, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on progress and the challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council.

The report contains information on worldwide practices and experiences in the area of technical cooperation in the field of human rights. It is based on research undertaken by OHCHR on global, regional and national experiences.

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I. Introduction and methodology

1. The present report is submitted pursuant to Human Rights Council resolution 10/20, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on progress and the challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council.

2. The present report contains a selection of practices, developed in the context of OHCHR technical cooperation programmes, implemented by OHCHR or in cooperation with other United Nations and regional entities in support of State efforts to promote and protect human rights. This selection is intended to illustrate achievements, progress and challenges encountered through the development and implementation of such programmes.

3. In the preparation of the report, information on different experiences, including methodologies used and lessons learned, was gathered from OHCHR headquarters and field presences, regional and country offices, human rights components of United Nations peacekeeping missions and human rights advisers to United Nations country teams, working closely with host governments. OHCHR also solicited direct contributions from all States for the preparation of the present report. The following States provided much-appreciated input: Germany, Kuwait, Qatar, Serbia, and the former Yugoslav Republic of Macedonia.

4. Since the establishment of the Human Rights Council, the role and advice of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review have acquired greater and greater importance through the Board's annual presentations to the sessions of the Human Rights Council as well as its participation in the panel discussions on technical cooperation. The Board of Trustees has been gathering information on the situation on the ground, the relevance of the programmes requested and proposed, and the efficiency and effectiveness of programme delivery in meetings and discussions that it holds with OHCHR management and staff, government officials and State institutions, civil society organizations and specific groups that benefit from the programmes offered by OHCHR. The information obtained is invaluable for understanding the impact and sustainability of results achieved through technical cooperation. For this reason, the present report also builds on the views and advice provided by the Board of Trustees at the Human Rights Council sessions since the adoption of Council resolution 10/18.

5. Another key contribution from the Board of Trustees over the last five years, as noted at the Human Rights Council, has been the unpacking of key components of good cooperation programmes, which the Board of Trustees has been elaborating in its reports to the Human Rights Council.[1] During the discussions under the technical cooperation agenda item, States have expressed appreciation for the components mentioned. For this reason, and in order to facilitate compilation of the experiences and results in the present report, OHCHR has used, as a basis for each of the sections of the present report, the various components spelled out by the Board of Trustees in its reports.

[1] See, for example, A/HRC/7/61, para. 27.

II. Experiences and practices in technical cooperation and capacity-building since the establishment of the Human Rights Council

A. Building and strengthening national frameworks and institutions for the protection of human rights

1. Technical cooperation with executive branches, judiciaries and parliaments

6. Rather than attempting to present a completely comprehensive picture of the technical cooperation activities of OHCHR, the following sections are aimed at providing diverse but emblematic examples of the technical cooperation activities of OHCHR over the last decade.

OHCHR support for transitional justice initiatives

7. Transitional justice has gained traction over the past decade as an important area of human rights which has also seen extensive normative and practical development. Hence, many governments and national societies have solicited the technical cooperation of OHCHR in order to understand the basic concepts, assess comparative experiences from other countries and apply best practices when establishing transitional justice institutions and processes.

8. In close cooperation with expert organizations such as the International Center for Transitional Justice, OHCHR has developed a series of guidance tools which constitute the conceptual and best-practice bedrock of its technical assistance on transitional justice. These tools are gathered together in the OHCHR publication series *Rule-of-Law Tools for Post-Conflict States* and cover areas such as truth commissions, prosecution, reparations, amnesties, vetting and national consultations on transitional justice.[2]

9. Over the past two decades, OHCHR has built up a comprehensive body of comparative experience from supporting transitional justice processes on all continents, from promoting a victim-oriented approach and from facilitating government consideration of judicial and non-judicial transitional justice measures, such as truth commissions and reparations programmes as well as prosecution initiatives.

10. In Sri Lanka, for example, transitional justice was the main focus of the engagement by OHCHR with the Government in 2016. In particular, through the Human Rights Adviser, OHCHR provided technical support to the Ministry of Foreign Affairs and the Secretariat for Coordinating Reconciliation Mechanisms on the design and implementation of the national consultation process and supported the consultations carried out by a government-appointed task force of eminent civil society members. The consultations were held to elicit views from a broad range of stakeholders on how institutions and processes for transitional justice should be designed in order to promote accountability and reconciliation.

11. In Nepal, the comprehensive peace agreement of 2006 launched a transitional justice process that included the establishment of a truth and reconciliation commission. OHCHR worked with all stakeholders to provide technical advice and capacity-building on the role of truth commissions in transitions, on reparations and on justice and accountability processes. For example, it provided the Government with expert documentation on truth and reconciliation commissions, copies of truth and reconciliation commission legislation from other countries, translated versions of OHCHR's core rule-of-law tool on truth and reconciliation commissions, and briefings on truth and reconciliation commissions to key constituencies, including women legislators. Later, OHCHR issued an analysis of the enabling law for the country's Truth and Reconciliation Commission and its Commission on Investigation of Disappeared Persons, providing guidance on its compliance with

[2] See www.ohchr.org/EN/PublicationsResources/Pages/TransitionalJustice.aspx.

international standards. This analysis has been widely referenced, including by the Supreme Court of Nepal in its decision to strike down the amnesty clauses in the enabling law.

OHCHR Cambodia Country Office effectively combines technical cooperation and human rights monitoring

12. OHCHR opened its first field presence in Cambodia in 1993. Its long-term presence in the country and its thorough understanding of the human rights challenges faced by the authorities have helped it to select priority technical cooperation initiatives, together with the Government. The human rights monitoring activities carried out by the OHCHR office in Cambodia since 1993 have substantially contributed to that understanding of the human rights situation and hence to the sound design of the technical cooperation programme in the country.

13. In April 2015, the Board of Trustees held its annual session in Cambodia, which allowed first-hand observation of successful OHCHR technical cooperation with the Cambodian justice system, particularly with the justice and interior ministries. OHCHR technical cooperation efforts in Cambodia include — among other issues — justice system reform, prison reform, and implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.[3]

14. During its session, the Board of Trustees visited Correctional Centre 1, together with the authorities. It witnessed substantial overcrowding and therefore commended the efforts by OHCHR to support solutions to the current situation of large numbers of persons in pretrial detention. OHCHR has also provided appreciated technical support for the formulation and implementation of the new Code of Criminal Procedure. As a complementary measure, OHCHR and the United Nations Development Programme (UNDP) have supported infrastructure improvements to the Cambodian justice system, including the construction of the Kampong Speu court.[4]

15. It is important to note that the Board of Trustees found that OHCHR priorities in Cambodia were in line with the expectations of national stakeholders, and that the OHCHR country office continued to be seen, more than 20 years after its establishment, as a reliable partner with the capacity to respond effectively to requests for assistance.[5]

OHCHR support for security sector reform

16. In 2012, OHCHR conducted a mapping exercise of its global support for security sector reform. The survey indicated that almost all OHCHR field presences (56 at the time) engaged with law enforcement, military and intelligence agencies in one form or another. The lessons learned point to the importance of taking a systemic approach to technical cooperation in the area of security sector reform, and to avoid isolated and often unsustainable human rights training with individual units.

17. In the experience of OHCHR, training is only one of many possible interventions to enhance the respect for human rights in a law enforcement organization. Before the decision to carry out human rights training is taken, it is essential to analyse the context in which such training is to take place, the challenges that it will seek to address and the complementary actions that will be necessary to ensure the training's effectiveness.

18. As experienced by OHCHR field presences, there is little or no point in engaging in one-off briefings on human rights except where this is linked to other capacity-building initiatives. Sustainable engagements include engaging with internal reform processes and with training academies, regarding curriculum development, as well as in-service training.

19. Cooperation projects should closely meet the needs of the recipient entities and be based on the beneficiary profile of the given security force. There are many good examples of security sector reform cooperation projects designed jointly between OHCHR and the

[3] See A/HRC/29/48, paras. 14-24.
[4] Ibid., para. 19.
[5] Ibid., para. 24.

beneficiary institution concerned. For example, the OHCHR Regional Office for the Pacific Region implemented a series of workshops to develop action plans for the police academy, while the OHCHR Human Rights Adviser in Papua New Guinea supported the development of human rights training modules for new recruits. OHCHR field presences in Iraq, Jordan, Nigeria and Tunisia have also developed a comprehensive engagement on human rights for law enforcement agencies involved in counter-terrorism activities.

Strengthening gender equality in Senegal by reviewing the nationality law

20. The OHCHR Regional Office for West Africa provided technical advice to the Government of Senegal for the drafting of a new nationality code, based on recommendations of the Committee on the Elimination of Discrimination against Women, with a view to ending the differential treatment of men and women with regard to the transmission of nationality through marriage, childbirth and adoption.

21. In collaboration with the non-governmental organization Association of Women Jurists of Senegal, OHCHR provided technical assistance for harmonizing the Family Code with international human rights standards, which resulted in the drafting of a compendium of national laws to be harmonized, based on the recommendations of international human rights mechanisms.

Support for judiciaries on investigating violence against women

22. Over the last ten years, OHCHR has developed valuable expertise on the phenomenon of gender-related killings (so-called femicide), an issue that has attracted the attention of the Human Rights Council at various sessions over the past decade, particularly in some countries in Latin America. The experience from one country context has been documented effectively and shared with other OHCHR field presences in the region, allowing OHCHR to assist in the development of relevant legal frameworks and to support State efforts to strengthen investigations and judicial responses in several countries in the region.

23. In 2011, the OHCHR Regional Office for Central America supported the elaboration of a protocol for the investigation of femicide in El Salvador, which was approved by the Attorney-General. Based on this work, a model protocol for the investigation of femicide in the Latin America region was developed jointly by OHCHR and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The protocol aims at ensuring that gender-specific aspects are taken into account in formulating hypotheses, in analysing crime scenes and in identifying necessary expert evidence.

Government of Thailand and the United Nations join forces to develop standards for the treatment of women prisoners

24. In 2009, the Government of Thailand submitted a resolution to the Commission on Crime Prevention and Criminal Justice, a subsidiary body of the Economic and Social Council, which recognized the vulnerability of women incarcerated in a system built principally for men. The resolution set in motion a series of meetings that culminated in the adoption by the General Assembly in December 2010 of the first set of United Nations rules focused on women prisoners: the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). OHCHR, through its regional office in Bangkok, contributed to the final drafting of the Bangkok Rules at an expert meeting organized by the United Nations Office on Drugs and Crime (UNODC) and hosted by the Government of Thailand in November 2009 in Bangkok.

Supporting the application by European Union member States of a human rights-based approach to trafficking and border control

25. The OHCHR Regional Office for Europe, together with UNODC, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and UN-Women, provided technical support to a number of European Union entities, including the European Parliament's Committee on Women's Rights and Gender Equality, in their efforts to

develop a human rights-based directive on preventing and combating trafficking in human beings and protecting its victims. Adopted in 2011, the directive takes into account the contributions by United Nations entities on existing relevant international human rights standards.

26. OHCHR also provided technical assistance to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) in aligning its policies with the new framework. In close cooperation with the Frontex training unit and with the collaboration of the European Union Agency for Fundamental Rights, UNODC, UNHCR, UNICEF, UN-Women, the International Organization for Migration, the Organization for Security and Cooperation in Europe and others, OHCHR provided legal and methodological advice for the development of two specialized training packages for border guards, in compliance with international and regional human rights standards.

A human-rights based approach to migration: developing a code of conduct for the protection of migrant domestic workers in Lebanon

27. Since 2005, as part of its technical cooperation work to increase the compliance of laws with international human rights standards, the OHCHR Regional Office for the Middle East has been working closely with the Government of Lebanon, ILO and non-governmental organizations (NGOs) to alleviate the hardship experienced by domestic workers in Lebanon. A steering committee was set up to develop a national plan of action. One of the first major achievements of the committee was the drafting of a unified contract, which provided a common set of standards to protect domestic migrant workers. In close consultation with the Ministry of Labour, the Syndicate of Owners of Recruitment Agencies in Lebanon and the Caritas Lebanon Migrant Centre, and in coordination with ILO, OHCHR supported the development of a code of conduct for recruiting agencies.

Strengthening the capacity of national and local Serbian authorities to protect the rights of migrants and refugees

28. In 2015 and 2016, with the support of OHCHR, the Serbian Protector of Citizens (Ombudsman) implemented the "Improvement of the protection of refugees and migrants in the Republic of Serbia" project, which, according to the Government, strengthened the capacity of national and regional authorities to enhance the realization of rights of refugees and migrants. As a result, according to the Government, migrants and refugees along the "Balkan route" could further exercise their rights and the regional cooperation between the United Nations and the national institutions for the promotion and protection of human rights was strengthened. In addition, OHCHR supported anti-discrimination training for representatives of ministries and institutions, organized by the country's Office for Human and Minority Rights and Ministry of Labour.[6]

2. Technical cooperation for the establishment and optimal functioning of national human rights institutions

29. Technical cooperation to establish and strengthen national human rights institutions that are constituted and operate in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)[7] has been a clear priority for OHCHR over the past decade. This technical support has often been warmly welcomed by the Human Rights Council, including in several recent resolutions. As seen for example in the Council's resolution 33/15, assistance from OHCHR takes multiple forms and encompasses multiple areas of cooperation, ranging from support for the drafting of legislation for the establishment of a national human rights institution, to organizing national consultations on the Paris Principles with key stakeholders including in government, parliament and civil society, to capacity-building for members and staff of national human rights institutions. OHCHR collaborates with UNDP

[6] Office for Human and Minority Rights response to OHCHR questionnaire, 21 March 2017.
[7] See General Assembly resolution 48/134.

and regional networks of national human rights institutions to undertake capacity assessments of established national human rights institutions as the basis for capacity-building programmes and activities. OHCHR has also worked with regional networks of national human rights institutions, with regional organizations and with civil society in the development of publications and tools to enhance the capacity of national human rights institutions.

30. Support by OHCHR for national human rights institutions has evolved and expanded significantly over the last ten years. An increasing number of national human rights institutions are benefiting from OHCHR technical support. In 2015, national human rights institutions from 71 countries received technical assistance from OHCHR on the establishment or strengthening of the institution (some examples are given below). In addition, OHCHR has long provided secretarial support to the international coalition of national human rights institutions. In 2016, that coalition changed its name to the Global Alliance of National Human Rights Institutions. Annual general meetings of the Global Alliance, and meetings of its Bureau and its Subcommittee on Accreditation, as well as the its international conferences, are held with support by OHCHR in its capacity as the Global Alliance's secretariat.

31. The most important assistance provided by OHCHR to national human rights institutions takes place at the national and local level, where many country offices, human rights advisers, human rights components of peacekeeping missions or regional OHCHR presences work hand in hand with national human rights institutions, on all continents. In Iraq, for example, the human rights office of the United Nations Assistance Mission for Iraq and UNDP have carried out capacity-building activities for the national human rights institution's commissioners and staff, including the elaboration of a plan of action on capacity development for 2014 and 2015.

32. In Somalia, the Government adopted legislation for the creation of a commission for human rights, in June 2013. The United Nations Assistance Mission in Somalia human rights component had presented parliamentarians with an assessment of the draft bill's compliance with the Paris Principles and recommended that broader consultations take place with the regions and civil society.

33. The human rights section of the United Nations Integrated Peacebuilding Office in Sierra Leone has consistently provided financial and technical support since the establishment of the Human Rights Commission of Sierra Leone, and in 2013 focused on strengthening the Commission's monitoring capacity.

B. Supporting national development goals and human rights commitments through technical cooperation

34. As the Board of Trustees has argued, effective technical cooperation should reflect national development objectives in order to create true ownership and thereby sustainability of the activities. Therefore, the OHCHR Technical Cooperation Programme prioritizes support for initiatives that ensure the inclusion of human rights in national and local development planning and implementation. Such support ensures that the technical cooperation programmes are demand-driven and reflect national priorities and commitments, including those made in the framework of the 2030 Agenda for Sustainable Development. Furthermore, the Human Rights Council, in its resolution 31/5, has welcomed OHCHR technical cooperation efforts aimed at realizing economic, social and cultural rights.

35. In several countries, OHCHR has contributed to the inclusion of human rights in national and local development plans. In Mexico, the point of departure for this work was a number of human rights assessments (*diagnósticos*), both at the national level and at the state level, carried out by the Government with technical support from OHCHR. In 2006, OHCHR Mexico launched a methodology to develop human rights assessments and

programmes at the state level. Later, this methodology helped the State of Oaxaca to elaborate its 2011-2016 development plan with a human rights-based approach.[8]

Implementing a human rights vision of development in Uganda

36. In 2013, the Government of Uganda launched Uganda Vision 2040, an overarching national planning framework which considers human rights a prerequisite for development. Uganda Vision 2040 was developed by the National Planning Authority in consultation with other national stakeholders and partners, and OHCHR Uganda contributed to the drafting process. According to Uganda Vision 2040, "Government shall ensure that the human rights-based approach to development is integrated in policies, legislation, plans and programs."[9]

37. The National Planning Authority requested technical support from OHCHR for the effective integration of human rights into sector and district government development plans, and ultimately into the second five-year National Development Plan.

38. In that context, OHCHR provided technical cooperation in partnership with the German Agency for International Cooperation (GIZ) and with funding from Norway. In May 2014, with the support of OHCHR and GIZ, the National Planning Authority issued new planning guidelines with a human rights-based approach. In order to strengthen the integration of human rights into plans and to identify and refine indicators, OHCHR launched a strategic training programme targeting planning officers, chief administrative officers and community development and population officers from 66 districts and 16 thematic sectors. The training was so well received that the National Planning Authority requested OHCHR to cover the remaining 46 districts, with UNDP funding.

C. Formulating and implementing technical cooperation programmes through consultation and with the broadest possible participation

39. As the Board of Trustees has suggested, the broadest possible participation of all segments of national societies increases the chances of technical cooperation projects being effective and successful.[10] Furthermore, the medium- and long-term sustainability of the technical cooperation activities is often influenced by how well the activity is anchored with beneficiaries and their organizations, or with institutions mandated to promote and protect the rights of a specific group of rights holders. When designing technical cooperation projects, OHCHR is systematically ensuring the participation of key stakeholders, particularly the direct beneficiaries, through the design of the activities.

1. OHCHR Tunisia supports broad participation in the constitutional reform process

40. OHCHR Tunisia and prominent civil society organizations co-organized a national consultation on the Constitution, the rule of law and human rights, which was held from 18 to 20 July 2012 in the Tunisian city of Mahdia. At the consultation, approximately 100 representatives of civil society discussed the importance of having a constitution based on the rule of law and in compliance with international human rights standards. As a result of the consultation, a joint proposal for improvement of the draft constitution, known as the Mahdia Declaration, was developed by civil society actors and provided a common platform for civil society organizations' advocacy before the National Constituent Assembly.

[8] Coordinación para la Protección de los Derechos Humanos del Estado de Oaxaca, *Derechos de las Personas Afrodescendientes* (2013). Available from www.hchr.org.mx/images/doc_pub/08_Afrodescendientes_oax.pdf.

[9] National Planning Authority, "Uganda Vision 2040", p. 108.

[10] See A/HRC/29/48, para. 30.

2. Strategic litigation and the Maya Programme in Guatemala

41. The Maya Programme was established in 2009 to empower indigenous Mayan, Xinca and Garifuna peoples, communities and organizations to achieve stronger negotiating power and participation in public life. It is implemented by OHCHR, UNDP and UNICEF and is overseen by a steering committee comprising representatives of the Secretariat of Planning and Programming of the Presidency, OHCHR, UNDP and UNICEF. In the first phase of the programme, from 2009 to 2013, 18 indigenous organizations filed cases before administrative or judicial bodies on various issues, including rights relating to land, territory and natural resources, discrimination, access to justice, consultation, self-determined development and cultural rights. Five cases received favourable rulings, and three, for which national remedies had been exhausted, were submitted to the Inter-American Commission on Human Rights.

42. OHCHR interventions, in collaboration with indigenous peoples' organizations, have led to positive outcomes, such as the establishment of a support network for organizations working on indigenous rights, and an increased use of national and regional protection systems by those organizations. The Maya Programme has also built up the capacity of judicial officials and has promoted changes in the legal and political culture of judges as duty bearers, so that they hand down rulings in accordance with international law. A second phase of the project was initiated in 2014.

3. Achieving results through broad participation in the Republic of Moldova

43. The efforts by OHCHR to ensure a broad participation of stakeholders in its technical cooperation projects were acknowledged in, for example, the external evaluation of the OHCHR project entitled "Combating discrimination in the Republic of Moldova, including in the Transnistrian region" (2014-2015).[11] In the Republic of Moldova, OHCHR decided to implement an anti-discrimination project by engaging one disability organization, one Roma NGO and one organization for lesbian, gay, bisexual and transgender persons. Also, a Roma person was hired to work with so-called "Roma community mediators". These implementing partners were selected among organizations/individuals forming part of, or already working with, the target communities — in this case minority groups who were victims of discrimination. The participation of these beneficiaries in the project was an important strategy in creating networks of victims. With the continued support of OHCHR, these networks managed to establish themselves as officially registered NGOs and associations, which ensured a high degree of sustainability for the project activities.[12]

4. Involving civil society in technical cooperation with State stakeholders

44. In Mexico, the Law for the Protection of Human Rights Defenders and Journalists, of 2012, provides for a national mechanism to address threats to human rights defenders and journalists. The law was drafted with the participation of civil society actors and Congress and was supported by international NGOs and OHCHR Mexico. The participation of OHCHR in joint Government-civil society projects can sometimes facilitate the process and improve the outcome. OHCHR can provide access to comparative experiences from other countries and can sometimes increase the level of trust between the parties involved in the project.

45. In Colombia, over a period of five years (2005-2009), OHCHR, UNDP and the diplomatic community, as recognized neutral parties, facilitated effectively a productive, multi-stakeholder dialogue and increased the attention to United Nations human rights recommendations in Colombia, which resulted in concrete policy action, including a government directive to combat extrajudicial executions. The well-documented process

[11] "External evaluation of the OHCHR project 'Combating discrimination in the Republic of Moldova, including in the Transnistrian region (2014-2015)' ", section on good practices, December 2015, available from www.ohchr.org/Documents/AboutUs/Evaluation/CombatingDiscriminationRepMoldova.pdf.

[12] Ibid., evaluation question No. 7.

represents important lessons learned on how the United Nations and the diplomatic missions can and should play a bridge-building role, even in the most strained civil society-government contexts.[13]

5. Participation by women victims of sexual and gender-based violence, in Kosovo[14]

46. In Kosovo, OHCHR actively promoted the participation of women in the identification of adequate reparation measures. Through inclusive consultations with survivors, OHCHR completed a study in 2013 on reparations for victims of sexual and gender-based violence during the armed conflict in Kosovo and advocated for the implementation of the recommendations contained in the report, which contributed to addressing long-standing demands for redress.

6. OHCHR monitoring in Togo increases participation in the electoral processes

47. In 2013, OHCHR Togo significantly contributed to the participation of voters through a comprehensive programme of human rights promotion and a parallel election monitoring project, allowing 66 per cent of voters to cast a vote. The OHCHR Togo electoral project included involvement by civil society organizations in the promotion and monitoring of respect for human rights. In anticipation of the elections, 600 human rights observers were deployed to the 30 prefectures in Togo and the five communes of Lomé to monitor the observance of key civil and political rights related to elections and basic principles of independence and impartiality. OHCHR trained and coordinated the observers by deploying staff members to the five administrative regions. This enabled OHCHR to remain informed about problems encountered, to undertake advocacy interventions as needed, and to liaise with the State and the electoral authorities, who showed a high degree of cooperation and goodwill.

D. Support for follow-up to recommendations of human rights mechanisms

48. The international human rights system has significantly expanded over the past 20 years, with a near-doubling in the number of treaty bodies that oversee the implementation of the core human rights treaties, a similar increase in the number of special procedure mandates within the context of the Human Rights Council, and the establishment of the universal periodic review mechanism of the Human Rights Council. States are thus faced with increasing requirements as regards implementing treaty obligations, reporting to the international and regional human rights systems, and following up on the recommendations or decisions emanating from them. OHCHR therefore supports States so that they may better engage with the international human rights mechanisms and implement recommendations from those mechanisms effectively.

1. National mechanisms for reporting and follow-up

49. Recognizing that many States have difficulties in living up to their multiple reporting obligations, the General Assembly, in its resolution 68/268, designed a significant capacity-building programme "to support States parties in building the capacity to implement their treaty obligations". The OHCHR treaty body capacity-building programme, subsequently established in 2015, organizes training-of-trainers workshops that focus on treaty body reporting and training methodologies, for State officials.

50. The treaty body capacity-building programme also provides assistance to requesting State parties on national mechanisms for reporting and follow-up, as well as on the preparation of common core documents and on treaty-specific reporting. In this context, the treaty body capacity-building programme launched a practical guide, and an accompanying

[13] "Informe de avance del proyecto 'Apoyo al funcionamiento de la secretaria técnica del G24' ", UNDP, July 2009.

[14] All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

study on State practices of engagement with international human rights mechanisms, which seek to identify key ingredients for a well-functioning and efficient national mechanism for reporting and follow-up, drawing on different State practices, while not proposing a one-size-fits-all solution.[15]

51. In 2016, some 28 countries received, from the treaty body capacity-building programme, assistance related to national mechanisms for reporting and follow-up. 13 countries received assistance in establishing a national mechanism for reporting and follow-up, and 15 countries received assistance on the effective functioning of their existing national mechanism for reporting and follow-up. At the same time, State officials from some 50 countries increased their knowledge and skills in regard to the human rights treaties, as well as their treaty reporting skills, further to activities conducted at the national level. By the end of 2016, the programme had enhanced the skills and knowledge of 170 State officials from 77 countries, who had become trained trainers on treaty reporting and part of a network of State officials within their subregion.

2. Technical cooperation to support the establishment of national human rights action plans

52. The Vienna Declaration and Programme of Action — the outcome document of the World Conference on Human Rights, of 1993 — suggests that States develop national action plans for human rights and that the United Nations establish a comprehensive programme to support States in establishing national human rights structures.[16] Since then, OHCHR has provided extensive assistance in the form of technical cooperation to States wanting to pursue the establishment of national human rights action plans. These plans can now benefit from increased coordination capacity at the State level through the national mechanisms for reporting and follow-up. An important milestone in this work is the production by OHCHR of a comprehensive guidance manual on national human rights action plans, which has been used extensively by States and by OHCHR staff when providing technical cooperation.[17] OHCHR will soon launch an updated version of that manual.

53. In South-East Asia, OHCHR contributed to exchanges of experiences between Indonesia, Malaysia and Thailand on the development of national human rights action plans. At the suggestion of OHCHR, Malaysian officials visited Thailand to learn from the experiences of Thailand in developing a plan.

3. Online system for reporting on recommendations, in Paraguay

54. Individual OHCHR field presences are also offering technical cooperation on enhanced engagement with the international human rights mechanisms. In Paraguay, the Human Rights Adviser supported the State (the executive, legislative and judicial branches), the Attorney-General and the Ombudsman in their joint initiative to develop an inter-institutional mechanism to monitor, follow up on and report on the recommendations issued by the United Nations and the regional human rights mechanisms in relation to Paraguay. One important outcome of that process is the online Recommendations Monitoring System,[18] developed to allow the uploading of human rights recommendations adopted by United Nations bodies in respect of Paraguay and to provide information on the follow-up to their implementation, including with regard to the State institutions in charge of implementation, all relevant policies and programmes, and actions, indicators and challenges.

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[15] OHCHR, *National Mechanisms for Reporting and Follow-Up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms* (2016).

[16] See A/CONF.157/23, para. 69.

[17] OHCHR, *Handbook on National Human Rights Plans of Action (Professional Training Series No. 10)* (29 August 2002).

[18] *Sistema de Monitoreo de Recomendaciones, frequently referred to by its Spanish acronym SIMORE.*

4. Using human rights recommendations to strengthen United Nations Development Assistance Frameworks (UNDAFs) and national development plans in Europe and Central Asia

55. Over the last decade, OHCHR has significantly increased its involvement in United Nations Development Assistance Framework processes around the world, particularly in Europe and Central Asia. Impact has been achieved through training on human rights-based approaches, active participation by OHCHR in United Nations country team/United Nations Development Assistance Framework coordination structures, the provision of clustered recommendations from the United Nations human rights mechanisms, analysis of national key human rights challenges and risks, and OHCHR inputs to initial United Nations Development Assistance Framework drafts. Additionally, in the Europe and Central Asia region, OHCHR has successfully supported the design and implementation of national human rights action plans, ensuring that they are synchronized with recommendations from all human rights mechanisms — especially from the universal periodic review — and that they are in line with the Sustainable Development Goals. Often, the Sustainable Development Goals indicators can be lined up with the United Nations Development Assistance Framework indicators, pointing towards goals and challenges also identified in the recommendations from the human rights mechanisms. In most cases, OHCHR support for United Nations Development Assistance Framework processes has been provided by field presences, including the OHCHR Regional Office for Central Asia and human rights advisors to resident coordinators and country teams, while the OHCHR headquarters in Geneva has engaged with United Nations Development Assistance Framework processes in countries of Europe and Central Asia as a non-resident entity of the United Nations system through engagement from Geneva or missions, so even without an OHCHR presence on the ground.

5. Using the United Nations Development Assistance Framework for follow-up on universal periodic review recommendations in the Lao People's Democratic Republic and Thailand

56. With the start of the second cycle of the universal periodic review in 2012, the OHCHR Regional Office for South-East Asia provided States in the region with support for reporting and following up on universal periodic review recommendations.

57. In this context, OHCHR contributed to strengthening the capacity of the United Nations country teams in the Lao People's Democratic Republic and Thailand, in order to support each State's follow-up and reporting efforts in the context of its United Nations Development Assistance Framework. Both United Nations Development Assistance Framework documents integrate a human rights-based approach and contain specific outcomes geared to assisting the countries in implementing prioritized universal periodic review recommendations, which include mainstreaming human rights in national policies.

58. The provision of support through the United Nations Development Assistance Framework furthers the strengthening of national ownership and commitment, as it is aimed at harmonizing and aligning programming priorities with national development priorities.

E. Technical human rights cooperation by other United Nations agencies and programmes and by regional organizations

59. It is safe to say that all United Nations agencies provide some form of technical cooperation to States and national stakeholders on issues directly influencing rights holders' enjoyment of their human rights. Unfortunately, the page limitation on the present report does not allow for comprehensive coverage of all those important activities. Here, only an indication of some of the priority issues addressed by a few agencies can be provided. The Board of Trustees in its reports to the Human Rights Council has described how this technical cooperation by other United Nations agencies is often guided by human rights recommendations issued to States. According to the Board of Trustees, OHCHR is playing an important role in supporting the integration of these recommendations into United Nations Development Assistance Frameworks and individual agency programmes.

particularly through the work of a number of human rights advisors to United Nations country teams.[19]

1. Helping States to mainstream rights through the United Nations Development Group human rights mainstreaming mechanism

60. In November 2009, the United Nations Development Group created the human rights mainstreaming mechanism, with the participation of 19 United Nations agencies, funds and programmes. OHCHR chairs the mechanism, with a rotating deputy, which ensures the full buy-in of other agencies. The mechanism is responding directly to the increasing demand from Member States for more technical assistance on human rights mainstreaming and on how to apply rights-based approaches to national development strategies. The mechanism also seeks to strengthen coordinated United Nations responses to requests from Member States for support in their efforts to meet their international human rights commitments. In addition, the United Nations Development Group recently produced a guidance note on human rights for resident coordinators and United Nations country teams, which will further assist resident coordinators and country teams' efforts to support States with technical cooperation.

2. UNICEF assisting States to implement the Convention on the Rights of the Child

61. The explicit reference to UNICEF in the Convention on the Rights of the Child and the long-term cooperation by UNICEF with States' efforts to implement the Convention makes it an important provider of technical assistance. The need for cooperation to implement the Convention is recognized in several of its provisions. States are explicitly encouraged in article 4 to seek and use international cooperation for implementation, while UNICEF is specifically called upon in article 45 to assist States to ensure rights. UNICEF-supported technical cooperation takes place in the 191 countries where UNICEF is present and on a large number of child rights issues, including but not limited to children and armed conflict, child labour, trafficking, sexual and gender-based violence, and justice for children.

62. UNICEF has also played an increasingly important role in supporting all the phases of the Convention on the Rights of the Child reporting process by facilitating States' constructive dialogue with the Committee on the Rights of the Child, supporting a participatory and inclusive process that involves all sectors of society, providing reports on the situation of children in each country, and contributing to the dissemination, implementation and follow-up of the concluding observations.

3. UNDP: an increasingly important human rights partner for States, national human rights institutions and civil society

63. UNDP provides policy advice, technical cooperation and capacity development in over 100 countries in relation to the United Nations human rights machinery. One example is its support for the universal periodic review process, which falls within the agency's long-standing engagement with human rights mechanisms — most commonly in close cooperation with OHCHR. The universal periodic review follow-up facility is a project of UNDP in Europe and Central Asia and the UNDP Regional Centre for Europe and Central Asia and is aimed at supporting national partners and UNDP country offices to build capacity around the universal periodic review and implement agreed human rights recommendations at the request of the programme countries/United Nations Member States. The technical cooperation activities span from dissemination of basic information on the universal periodic review process to concrete support for implementation of recommendations. Substantial UNDP efforts have been dedicated to ensuring broader participation of civil society and national human rights institutions in the universal periodic review process, including in human rights assessments (e.g. Georgia), report preparation (e.g. Bosnia and Herzegovina) and follow-up on implementation of universal periodic review recommendations (e.g. Kyrgyzstan). Another example is the extensive support that

[19] See A/HRC/29/48, para. 22 and paras. 38-41.

UNDP provides for the establishment and strengthening of national human rights institutions in all regions, and its collaboration with regional networks of national human rights institutions.

4. Technical cooperation by OHCHR in close collaboration with other United Nations agencies — examples from the Democratic Republic of the Congo

64. In the Democratic Republic of the Congo, addressing sexual violence against women has long been an issue involving several United Nations agencies. In 2013, the United Nations Joint Human Rights Office — the human rights component of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) — provided legal assistance free of charge to 1,507 victims of sexual violence, in 12 legal clinics and 25 legal aid centres throughout the country. Additionally, between 2009 and 2014, around 33,000 victims of sexual violence benefited from holistic care comprising legal, medical, psychosocial, and social and economic assistance, provided by MONUSCO, UN-Women, the Open Society Initiative for Southern Africa, the United Nations Population Fund and UNICEF, often through local NGOs.[20]

F. Technical human rights cooperation by regional organizations[21]

65. In September 2013, the United Nations High Commissioner for Human Rights and the Secretary-General of the Council of Europe signed a framework cooperation agreement on reinforcing cooperation between the two institutions. The agreement covers regular consultation and joint participation in activities, exchange of information and general cooperation. One of the aims of the agreement is to strengthen cooperation in the field, including by assisting governments in implementing the recommendations of the human rights mechanisms of the United Nations and the Council of Europe.

66. In response to the armed conflict in Ukraine, several regional organizations have cooperated closely with the local OHCHR field presence and also implemented their own monitoring and technical cooperation activities. In January 2015, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) initiated a project in Ukraine to build the capacity of civil society, religious or belief communities and relevant State institutions to identify and respond to hate crimes, and to promote dialogue among religious people and between the State and religious or belief communities, in line with international standards on freedom of religion or belief. The OSCE project coordinator in Ukraine has provided capacity-building and technical cooperation in many other human rights areas, including the rights of internally displaced persons, trafficking, domestic violence, the training of judges, advocates, journalists and law enforcement officers, and the development of a national action plan on Security Council resolution 1325 (2000) on women, peace and security. OSCE also provides capacity-building and technical cooperation in the Balkans and the Commonwealth of Independent States.

67. The VFTC Board of Trustees has often encouraged and praised OHCHR technical cooperation work with regional and subregional human rights mechanisms in Africa, such as the African Union, the Southern African Development Community, the Economic Community of West African States and the Intergovernmental Authority on Development (see, for example, A/HRC/16/66, para. 18).

IV. Lessons learned, challenges and the way forward

68. The last ten years of developing and implementing OHCHR technical cooperation programmes with key State partners, in cooperation with other United Nations agencies and regional organizations, have been particularly fruitful in terms of results and the

[20] Data gathered from MONUSCO performance reports from 2009 to 2014.

[21] For further information, see A/HRC/34/23.

development of good practices. Special support to the least developed countries and small island developing States through a special trust fund managed by OHCHR has increased engagement with the Human Rights Council and the international human rights system in general.

69. The universal periodic review has proved to be a pivotal development in facilitating and encouraging demand for sound technical cooperation in the field of human rights. This mechanism and its outcome reports have also served to increase the interest in technical support from other parts of the United Nations system. A general expansion of the international human rights system, including the entry into force of a number of new human rights treaties and special procedure mandates, has also contributed to an increase in demand for technical cooperation over these ten years. This expansion, particularly in the number of treaty bodies, has required additional OHCHR efforts to support States' capacity to engage with the human rights mechanisms, such as the OHCHR treaty body capacity-building programme described in the present report.

70. This review of the last ten years of technical cooperation has underlined the need for human rights cooperation to take a systemic approach, assessing with national counterparts the broader institutional and normative context and challenges before designing and proposing the required support and the desired course of action.

71. The technical cooperation that OHCHR is best placed to offer should not be seen as an isolated activity but rather as part of an integrated multi-dimensional human rights strategy in line with the High Commissioner's comprehensive and global mandate, with its value added and comparative and collaborative advantages. Also, technical cooperation alone is seldom effective unless coupled with strengthened accountability mechanisms. As the United Nations Deputy High Commissioner for Human Rights has explained, "sound and efficient technical cooperation and capacity-building programmes require to be based on solid understanding and analysis of the situation and the existing multifaceted challenges, which can only be achieved through independent and credible monitoring activities".[21] According to the United Nations High Commissioner for Human Rights, "the information and analysis that result from OHCHR's monitoring activities constitute an important basis for identifying capacity-building needs and opportunities for technical cooperation".[22]

72. Technical cooperation has proved to be a natural entry point for the United Nations to engage directly with national and local authorities, national human rights institutions and civil society, to better understand and remedy the challenges that they are facing in their daily work. Such joint cooperation often builds trust, which is essential in addressing not only knowledge and capacity gaps but also commitment gaps, through monitoring, advocacy and advice. Furthermore, the present review indicates that OHCHR can also contribute to building increased trust — a necessary condition for effective cooperation — between authorities and the civil society human rights community. Regarding the latter community, a specific effort has been made to reach out to marginalized and vulnerable groups, who are often unaware of their rights and have limited access to local authorities.

73. Such comprehensive engagement with national and local authorities and their realities requires stable and long-term mandates for the OHCHR field presences, as well as secure funding projections, in order to avoid short and unsustainable interventions that lack the proper follow-up. Many of the most effective OHCHR technical cooperation activities span five to ten years or more and owe their success to a step-by-step methodology that benefits from the trust developed with national counterparts.

74. This review has shown that there is room for effective replication of technical cooperation success stories — not exclusively by OHCHR or the United Nations system.

[21] From the opening statement delivered by Flavia Pansieri at "Twenty years after the Vienna World Conference on Human Rights: an assessment", in Bonn, Germany, on 9 November 2013.

[22] From the statement delivered by Navi Pillay to the Human Rights Council at its twenty-sixth session, on 25 June 2014, for the opening of the panel discussion on technical cooperation and capacity-building in advancing the rights of persons with disabilities through legal and institutional frameworks, including public-private partnerships.

Many Member States are also in an excellent position to provide technical cooperation in the field of human rights, including innovative South-South cooperation in many areas and regions. One important step in that direction is to further document and share lessons learned from technical cooperation experiences, for instance with respect to national coordination mechanisms for implementation, or national human rights action plans.

75. Since the establishment of the Human Rights Council, OHCHR has enhanced its capacity as a fully results-oriented organization improving its capacity to monitor the implementation and impact of its technical cooperation programme, including through its performance monitoring system and periodic evaluations. This strengthened capacity facilitates useful replication of success stories. Therefore, the development of tools applicable to entire regions (model laws, protocols and so on) will be one important way forward in order to increasingly strengthen States' capacity to promote, protect and fulfil rights.

76. All United Nations agencies provide some form of technical cooperation to States and national stakeholders on issues directly influencing rights holders' enjoyment of human rights. Increasingly, that cooperation is harnessed by the United Nations Development Assistance Frameworks and is developed in line with, or even guided by, human rights recommendations emanating from the international human rights system. Some of the larger United Nations agencies, programmes and funds, which have extremely extensive networks of field presences, are also the ones most involved in technical cooperation to promote, protect and fulfil rights, normally in very close cooperation with OHCHR.

77. Regional organizations play a crucial role in supporting the realization of rights. Most of them, however, are focused on monitoring and advising on the implementation of States' regional treaty obligations, rather than designing and implementing technical cooperation projects.

78. Looking forward, technical cooperation will be part and parcel of an effective third cycle of the universal periodic review process (2017-2021), which will be crucial in following up on and advancing human rights achievements at the national level in close cooperation with governments and other national stakeholders and with the support of the international community. States, national human rights institutions and civil society actors will be able to consult on technical cooperation support from the United Nations. But more needs to be done to better align development and human rights efforts at the country level in order to deal effectively with human rights gaps in implementation and thus address root causes.

79. Technical cooperation has also proved to be a critical vehicle in support of and contributing to national development objectives in line with human rights standards. At the global level, the Millennium Development Goals, and now the Sustainable Development Goals, have guided and are guiding national development policies, which have increasingly translated into clearer State commitments to economic, social and cultural rights, as well as civil and political rights. Addressing the causes of human rights violations is also part of the Secretary-General's renewed emphasis on prevention. Technical cooperation can play an important role in implementing recommendations from the universal periodic review and other human rights mechanisms, which is a crucial step towards development and crisis prevention.

66. The 2030 Agenda recognizes that peace and security, development and human rights are interrelated and mutually reinforcing. Member States have committed to securing freedom from fear and freedom from want for all people, without discrimination. To this end, OHCHR is working closely with partners within and beyond the United Nations system to support the implementation of the 2030 Agenda for the full realization of human rights. One of the sharpest tools it has in doing so is its technical cooperation programme, which has gained impressive experience over the past decade in relation to the mainstreaming of human rights into development plans. Here, the development by OHCHR of human rights indicators will help the United Nations to better support States in monitoring their progress towards the fulfilment of the Sustainable Development Goals and the 2030 Agenda.